

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SCOTT RODGERS,	)	
	)	
Plaintiff	)	C.A. No. 0411842 PBS
	)	
v.	)	
	)	
DR. JOHN HOWARD	)	
	)	
Defendants	)	

MOTION TO WITHDRAW APPEARANCE

*NOW COME* attorneys Patrick C. Lee and Isabel Eonas and seek leave of the Court to withdraw their appearances on behalf of Defendant John Howard. As reasons therefor, the attorneys state that Doctor Howard is not an employee of the Sheriff's Department and has agreed to hire private counsel or to represent himself pro se.

Respectfully submitted,

/s/ Patrick C. Lee

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Patrick C. Lee  
General Counsel  
Plymouth County Sheriff's Dept.  
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/s/ Isabel Eonas, Deputy General Counsel  
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DATED: November 8, 2005

AFFIDAVIT OF COUNSEL

I, Patrick C. Lee, depose and state:

1. I am the General Counsel for the Plymouth County Sheriff's Department. I have held this position since February of 2005. Isabel Eonas is the Deputy General Counsel and has held that position since February of 2005. In these positions, we represent the Plymouth County Sheriff's Department and its employees.
2. In February of 2005, I filed an answer to a complaint by Scott Rodgers against Correctional Officer Judith Orcutt, Medical Officer Joseph Whitmore, Doctor John Howard, and Medical Officer John Smith.
3. Doctor Howard is not an employee of the Department. He serves as a doctor for the Department by contract. The contract does not obligate the Department to defend the doctor or indemnify him. The contract requires the doctor to indemnify the Department in certain cases.
4. The Department's Law Enforcement insurer will not cover the Department for liability for Doctor Howard.
5. Over the past two months, I have had several discussions with Doctor Howard regarding his representation. I have advised him of the need to consult his insurance company to discuss representation and liability. I have informed Doctor Howard that the Department does not wish to represent him. Doctor Howard agreed that he would seek private counsel or represent himself *pro se*.

Signed under the pains and penalties of perjury this 8<sup>th</sup> Day of November, 2005,

/s/ Patrick C. Lee

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Patrick C. Lee  
General Counsel